

JUDGE RAKOFF

08 CV 4722

062-08/WLJ/JPG  
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William L. Juska (WJ 0772)  
Jan P. Gisholt (JG 3768)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

OCEANWISE SERVICES GMBH,

-----x  
08-Civ-

Plaintiff,

- against -

HO FENG MARITIME S.A.,

Defendant.

-----x  
**JUSKA AFFIDAVIT  
PURSUANT TO RULE 4(c) AND  
CONCERNING THE SCOPE OF  
SERVICE**

STATE OF NEW YORK )  
 ) ss:  
COUNTY OF NEW YORK )

WILLIAM L. JUSKA, being duly sworn, deposes and says as follows:

1. I am a member of the Bar of the United States District Court, Southern District of New York, admitted to practice before this Court and I am a partner with the law firm of Freehill Hogan & Maher, LLP, attorneys for Plaintiff herein.
2. This Affidavit is submitted in support of Plaintiff's application pursuant to Rule 4(c) of the Federal Rules of Civil Procedure.

**REQUEST FOR ORDER APPOINTING SPECIAL PROCESS SERVER**

3. Plaintiff applies, pursuant to Rule 4(c) of the Federal Rules of Civil Procedure, for an Order appointing Barbara Carnevale, Manuel Molina, Pamela Schultz, Justin Nastro, Daniel Fitzgerald, Michael Elliott, Susan Lee, Jan Gisholt, Robert Ridenour, Joan Sorrentino, Christina Gargano, or any other partner, associate, paralegal or other agent of Freehill Hogan & Maher LLP, in addition to the United States Marshal, to serve the Process of Attachment and Garnishment issued pursuant to FRCP Supplemental Rule B upon the named garnishee(s) as well as any other garnishee(s) who (based upon information developed subsequent hereto) may hold assets of, for, or on behalf of the Defendant.

4. Plaintiff is desirous of serving the Process of Attachment and Garnishment on the garnishee(s) with all deliberate speed so that it will be fully protected against the possibility of not being able to satisfy a judgment that may ultimately be entered by Plaintiff against the Defendant.

5. To the extent this application for an Order appointing a special process server with respect to this attachment and garnishment does not involve a restraint of physical property, there is no need to require that the service be effected by the Marshal as it simply involves delivery of the process to the respect of the garnishee(s).

6. Plaintiff also requests that the Court grant it leave to serve any additional garnishee(s) who may be discovered in the course of this litigation to be holding property of the Defendant within this District. By obtaining leave at this time to serve these other possible garnissees, it will facilitate prompt service of the Process without the need to return to the Court for permission to amend the process simply to name other garnissees.

7. In addition, and to avoid the need to repetitively serve the garnissees/banking institutions, Plaintiff respectfully seeks leave, as embodied in the accompanying order, for any process served on a garnishee to be deemed effective and continuous throughout any given day

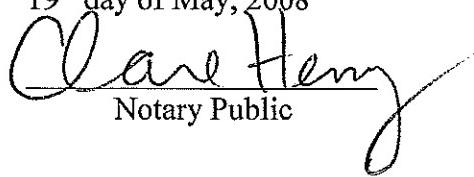
on which process is served up through the end of the next business day, to authorize service by facsimile or email following an initial service of the process by hand, and to deem such facsimile or email service as being accomplished within this District if such service is transmitted or initiated from within the District.



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William L. Juska

Sworn to before me this  
19<sup>th</sup> day of May, 2008



Clare Henry  
Notary Public

CLARE HENRY  
Notary Public, State of New York  
No. 01HE4831498  
Qualified in Kings County  
Certificate in New York County  
Commission Expires October 31, 2009